



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 26] नई दिल्ली, शुक्रवार, जुलाई 25, 1997 / श्रावण 3, 1919
No. 26] NEW DELHI, FRIDAY, JULY 25, 1997 / SHRAVANA 3, 1919

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 25th July, 1997:—

BILL No. 107 OF 1997

A Bill to validate certain out-of-turn allotments made by the Central Government.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Out-of-turn Allotment of Government Residences (Validation) Act, 1997.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 21st day of June, 1997.

2. In this Act, "out-of-turn allotment", in relation to a Government residence, means the allotment made by the Central Government during the period on and from the 1st day of January, 1991 to the 31st day of December, 1995 to a person eligible for allotment of such residence before his regular turn for allotment of such residence becomes due to that person.

Definition.

Validation of
out-of-turn
allotments and
protection
against eviction.

3. (1) Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority to the contrary, every out-of-turn allotment shall be deemed to have been made by the Central Government in exercise of the powers to relax for making an allotment under Supplementary Rule 317-B-25 of the Allotment of Government Residences (General Pool in Delhi) Rules, 1963.

(2) Every out-of-turn allotment referred to in sub-section (1) shall, for all purposes, be deemed to be, and always to have been, validly made under the Allotment of Government Residences (General Pool in Delhi) Rules, 1963 and no allottee of such allotment shall, save as otherwise provided in sub-section (5), be evicted from a Government residence solely on the ground that such residence was allotted to him on out-of-turn basis.

(3) No allottee referred to in sub-section (1) shall be allowed to continue to occupy a Government residence unless—

(a) he has paid, or, agrees to pay in equal monthly instalments (without interest) within a period of two years from the date of commencement of this Act, the arrears of enhanced licence fee payable by him in terms of the orders of the Supreme Court in the matter of Writ Petition No. 585 of 1994, and also agrees to continue to pay the appropriate enhanced licence fee as is applicable in his case till the day he becomes eligible for in-turn allotment of a Government residence; and

(b) he, being an allottee who is to superannuate within two years from the commencement of this Act, has given his consent in writing that his employer may deduct the enhanced licence fee as is applicable in his case and referred to in clause (a) from his gratuity or any other retirement benefit or any other arrears payable to him.

(4) No person who has been allotted a Government residence on out-of-turn basis shall be allowed to avail of protection against eviction under sub-section (2) unless such person has given in writing, within thirty days from the date of commencement of this Act, that he shall make the payment of the enhanced licence fee including the arrears as is payable by him in accordance with the provisions of sub-section (3).

(5) No protection against eviction under sub-section (2) shall apply to an out-of-turn allotment—

(a) where it is proved that the allottee has sub-let the Government residence allotted to him; or

(b) where such allotment has been obtained by making misrepresentation of facts, by fraudulent means or on payment of illegal gratification to any person for obtaining such Government residence; or

(c) where such allotment is of a higher type of Government residence than his entitlement.

Suits, etc., to
abate.

4. Any suit or legal proceeding relating to an out-of-turn allotment which was instituted before the commencement of this Act shall, on such commencement, abate.

Repeal and
saving.

5. (1) The Out-of-turn Allotment of Government Residences (Validation) Ordinance, 1997 is hereby repealed.

Ord. 14 of
1997.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Out-of-turn allotments of General Pool residential accommodation were made in the past in exercise of the powers vested in the Government under the provisions of Supplementary Rule 317-B-25 of the Allotment of Government Residences (General Pool in Delhi) Rules, 1963. Such allotments during the period 1991—95 became the subject matter of a Writ Petition (Civil) No. 585 of 1994 in the Supreme Court of India on the ground that these were excessive. The Hon'ble Supreme Court in its judgment and order dated the 23rd December, 1996 directed, *inter alia*, that out-of-turn allottees having Government accommodation of Type III and above should be evicted, besides being liable for payment of enhanced licence fee for the period such accommodation was occupied by them on out-of-turn basis. As per the time frame laid down by the Hon'ble Supreme Court, the actual eviction of such out-of-turn allottees was to commence on the 23rd June, 1997.

2. On receipt of a spate of representations from such out-of-turn allottees and various associations to save such allottees from eviction, the Government considered the matter and took a decision to save them from eviction on humanitarian grounds. As Parliament was not in session and the evictions were to take place from the 23rd June, 1997, the President promulgated the Out-of-turn Allotment of Government Residences (Validation) Ordinance, 1997 (Ord. 14 of 1997) on the 21st June, 1997.

3. The Ordinance protects the out-of-turn allottees against eviction, except those involved in sub-letting, allottees who obtained such allotments through misrepresentation of facts, by fraudulent means or on payment of illegal gratification or where such allotment was of a higher type than the entitlement of the allottee. The out-of-turn allottees, however, are required to pay the enhanced licence fee, including arrears, as directed by the Hon'ble Supreme Court.

4. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;
The 14th July, 1997.

UMMA REDDY VENKATESWARLU.

BILL No. 108 OF 1997

A Bill to repeal the Cotton Ginning and Pressing Factories Act, 1925.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Cotton Ginning and Pressing Factories (Repeal) Act, 1997.

Repeal of Act
12 of 1925.

2. The Cotton Ginning and Pressing Factories Act, 1925, is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Cotton Ginning and Pressing Factories Act, 1925 enacted on the 8th August, 1925 provides for periodical filing of returns; maintenance of registers; marking of bales and other rule making powers for both the Central and State Governments for the purpose of regulating the ginning and pressing factories.

2. There have been changes in the pattern of processing, marketing and consumption of cotton since the enactment of the Act. In the market driven economy needing quality products modernisation of ginning and pressing factories is essential. In the present liberalized industrial scenario the restrictions laid down in the Cotton Ginning and Pressing Factories Act, 1925 are not required any longer and the Cotton Control Order, 1986 issued under the Essential Commodities Act, 1955 would cover provisions considered essential to regulate working of ginning and pressing factories in future so long as cotton remains as an essential commodity. Hence it is considered that the said Act should be repealed.

3. The repeal will also provide a thrust and incentive to the modernisation efforts in the cotton ginning and pressing sector to ensure quality processing of cotton and charging remunerative price for the service provided for.

4. The Bill seeks to achieve the aforesaid object.

NEW DELHI;
The 11th July, 1997.

R. L. JALAPPA.

S. GOPALAN,
Secretary-General.

